THE HIGH COURT OF UTTRANCHAL AT NAINITAL

Writ Petition (M/S) No. 605 of 2002

U.P. State Road Transport Corporation
Through its Regional Manger, Dehradun

… **Petitioner.**

Versus

1. Presiding Officer, Labour Court Dehradun.
2. Rameshwar Prasad, S/O Late Shri Gainda Ram, C/O Harishankar Jauhara, A-50, Shivalik Nagar, Haridwar.

… **Respondents.**

With

(1)Writ Petition (S/S) No. 4777 of 2001

U.P. State Road Transport Corporation
Through its Regional Manger, Dehradun
District Dehradun

… **Petitioner.**

Versus

1. Labour Court Uttar Pradesh, Dehradun, District Dehradun
2. Birendra Bhandari, Authorised Representative, U.P.S.R.T.C. Workers Union, Local Bus Stand Dehradun.

… **Respondents.**

(2)Writ Petition (S/S) No. 7101 of 2001

U.P. State Road Transport Corporation
Through its Regional Manger, Dehradun
District Dehradun

… **Petitioner.**

Versus

1. Labour Court Uttar Pradesh, Dehradun, District Dehradun.
2. Virendra Kumar Kala, S/O Sri Mangat Ram Kala, Service Manager Office, U.P.S.R.T.C. Dehradun.

… **Respondents.**

With

(3)Writ Petition (S/S) No. 7102 of 2001

U.P. State Road Transport Corporation
Through its Regional Manger, Dehradun
District Dehradun

… **Petitioner.**

Versus

1. Labour Court Uttar Pradesh,
   Dehradun, District Dehradun.
2. Birendra Bhandari, Authorized Representative,
   U.P.S.R.T.C. Workers Union, Local Bus Stand, Dehradun.

… **Respondents.**

Sri Amar Nath Sharma, learned counsel for the petitioner.
Sri Nand Prasad learned counsel for the respondent no.1.
Sri M.C. Pant, Adv., learned counsel for the respondent no. 2

Dated February 21, 2006.

Hon'ble B.S. Verma, J.

All the four writ petitions have been filed challenging the order passed by the Presiding Officer, Labour Court, Dehradun, whereby the petitioner was directed to make payment of the amounts to the workman-respondent no. 2. Since common questions are involved for decision in all the four writ petitions, therefore, they are being heard together for disposal.

Heard Sri Amarnath Sharma, learned counsel for the petitioners and Sri M.C. Pant, learned counsel for the respondent no. 2 as well as learned Standing Counsel for the State.

By way of Writ Petition No. 605 (M/S) of 2002, the petitioner has challenged the order dated 5-1-2001 passed by the Presiding Officer, Labour Court Dehradun (respondent no. 1) directing the petitioner to pay Rs. 8,144/- and cost of Rs. 500/- to the respondent no. 2. In Writ Petition No. 4777 of 2001, the respondent no. 2 was directed to make payment of specified amounts to 11 workmen mentioned in the impugned order along with cost of proceedings amounting to Rs. 200/- vide order dated 8-8-2001. In Writ Petition No. 7101 of 2001, the petitioner has challenged the order dated 13-9-2001 passed by the respondent no. 1 directing the petitioner to pay amount of Rs. 28,052/- to respondent no. 2 along with cost of Rs. 200/-. In Writ Petition No. 7102 of 2001, the petitioner was directed to

make payment of specified amounts to the workmen along with cost of proceedings vide order dated 10-9-2001.

Brief facts giving rise to these petitions are that the respondent no. 2 preferred an application 33 C(2) of the Industrial Disputes act (for short the Act) for themselves and on behalf of certain persons whose names were given in the schedule attached to the application claiming payment of arrears of salary arising out of the recommendation of V Pay Commission. Against the said application filed by the respondent no.2, the petitioner filed written statement therein preliminary objection to the effect that the schedule attached to the application was neither signed nor verified by the persons concerned. The contention of the petitioner was that the Corporation concerned was running in loss and was facing financial crisis.

The learned Labour Court as per impugned orders has held that the petitioner was liable to make the payments to the workmen and accordingly passed the impugned order in each case.

Learned counsel for the petitioner first argued that the recommendation of the V Pay Commission regarding payment of arrears for the period between 1.1.1996 to 31.12.1998 was to be decided subsequently vide Government Order dated 24.2.1999 and the Corporation concerned was required to submit a work-plan in that regard. This contention has no force. Since then a very long period has already elapsed till now. The petitioner cannot to take any advantage for its own lacuna.

It was next submitted that for a long time, the Corporation has been running into losses which have mounted up to hundreds of crores. It was also argued that the State Government has shown its total inability to provide any financial assistance to the petitioner and that the government

has not issued any direction regarding the framing of work plan for payment of arrears of salary.

On the other hand, it was submitted by the learned counsel for the respondent no. 2 that this Court has passed an order dated 20-10-2005 in Writ Petition No. 580 (M/s) of 2002, U.P.S.R.T.C. Vs. Labour Court and another and the contention of the petitioner corporation was declined thereby the writ petition was dismissed on merit and that the present writ petitions are on the same footing.

Before the learned Labour Court, the petitioner has accepted that recommendation of V Pay Commission is binding on the Corporation and learned Labour Court after considering the entire material before it has passed the impugned order directing the petitioner to make payments to the workmen.

I have gone through the impugned orders passed in each case and considering the facts and circumstances of each case, it appears that the learned Labour Court has rightly ordered to pay the dues to the employee-workmen within the specified period. The learned Labour Court has recorded a finding of fact. In my view, no illegality or infirmity or manifest error or jurisdictional error was committed by the learned Labour Court. The orders impugned do not call for any interference by this Court.

All the writ petitions are devoid of merit and are accordingly dismissed. No order as to costs.

(B.S. Verma, J.)

RCP